
By: **Delegate Krysiak**

Introduced and read first time: February 13, 2004

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Examining Engineers - Licensing and Regulation**

3 FOR the purpose of extending the termination date for the Board of Examining
4 Engineers; creating the State Board of Examining Engineers in the Department
5 of Labor, Licensing, and Regulation; requiring that an evaluation of the Board of
6 Examining Engineers and the statutes and regulations that relate to the State
7 Board be performed on or before a certain date; providing for the composition,
8 appointment, terms, and expenses of the State Board members; establishing
9 certain powers and duties of the State Board; requiring certain persons to be
10 licensed by the State Board as examining engineers before performing certain
11 work on heating, air-conditioning, and ventilation equipment in the State;
12 establishing certain grades of licenses; establishing certain education and
13 experience requirements for examining engineers; establishing certain licensing
14 and license renewal requirements for examining engineers; establishing certain
15 examination requirements for examining engineers; authorizing the State
16 Board to deny a license to an applicant, refuse to renew a license, reprimand a
17 licensee, suspend or revoke a license, or impose certain penalties under certain
18 circumstances; establishing certain hearing and appeal procedures for
19 examining engineers; providing for certain criminal penalties; requiring certain
20 fees collected by the State Board to be collected by the Comptroller of the State;
21 requiring the Comptroller to distribute certain fees to a certain special fund;
22 repealing the sections of the Public Local Laws of Baltimore City regarding
23 examining engineers; defining certain terms; specifying the terms of the initial
24 members of the State Board; providing for the transition between the State
25 Board of Examining Engineers and the Board of Examining Engineers
26 regarding the regulation and licensure of examining engineers; requiring the
27 State Board to submit a certain report to certain committees of the General
28 Assembly on or before a certain date; making certain technical corrections;
29 providing for the delayed effective dates for certain provisions of this Act; and
30 generally relating to the State Board of Examining Engineers and licensing and
31 regulation of examining engineers.

32 BY repealing and reenacting, with amendments,
33 The Public Local Laws of Baltimore City
34 Section 4-8

1 Article 4 - Public Local Laws of Maryland
2 (1979 Edition and 1997 Supplement, and 2000 Supplement as amended)
3 (As enacted by Chapter 316 of the Acts of the General Assembly of 2002)

4 BY repealing and reenacting, without amendments,
5 Article - State Government
6 Section 8-403(a)
7 Annotated Code of Maryland
8 (1999 Replacement Volume and 2003 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - State Government
11 Section 8-403(b)(24)
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2003 Supplement)

14 BY adding to
15 Article - Business Occupations and Professions
16 Section 6.5-101 through 6.5-502 to be under the new title "Title 6.5. Examining
17 Engineers"
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

20 BY repealing
21 Article - Business Occupations and Professions
22 Section 6.5-210
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2003 Supplement)
25 (As enacted by Section 2 of this Act)

26 BY adding to
27 Article - Business Occupations and Professions
28 Section 6.5-210
29 Annotated Code of Maryland
30 (2000 Replacement Volume and 2003 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article - Business Regulation
33 Section 2-106.1
34 Annotated Code of Maryland
35 (1998 Replacement Volume and 2003 Supplement)

36 BY repealing

1 The Public Local Laws of Baltimore City
2 Section 4-1 through 4-8, inclusive, and the subtitle "Subtitle 4. Examining
3 Engineers"
4 Article 4 - Public Local Laws of Maryland
5 (1979 Edition and 1997 Supplement, and 2000 Supplement as amended)
6 (As enacted by Chapter 316 of the Acts of the General Assembly of 2002 and
7 Section 1 of this Act)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article 4 - Baltimore City**

11 4-8.

12 The provisions of this subtitle creating the Board of Examining Engineers and
13 relating to the regulation of engineers and any regulations promulgated under this
14 subtitle are of no effect and may not be enforced after [July 1] OCTOBER 1, 2005.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article - State Government**

18 8-403.

19 (a) On or before December 15 of the 2nd year before the evaluation date of a
20 governmental activity or unit, the Legislative Policy Committee, based on a
21 preliminary evaluation, may waive as unnecessary the evaluation required under this
22 section.

23 (b) Except as otherwise provided in subsection (a) of this section, on or before
24 the evaluation date for the following governmental activities or units, an evaluation
25 shall be made of the following governmental activities or units and the statutes and
26 regulations that relate to the governmental activities or units:

27 (24) Engineers, STATE Board of Examining (§ [4-1 of the Public Local
28 Laws of Baltimore City] 6.5-502 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS
29 ARTICLE: July 1, [2004] 2013);

30 **Article - Business Occupations and Professions**

31 TITLE 6.5. EXAMINING ENGINEERS.

32 SUBTITLE 1. DEFINITIONS.

33 6.5-101.

34 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1 (B) "BOARD" MEANS THE STATE BOARD OF EXAMINING ENGINEERS.

2 (C) "EXAMINING ENGINEER" MEANS AN INDIVIDUAL WHO STARTS UP,
3 OPERATES, REGULATES, MAINTAINS, AND REPAIRS MACHINERY THAT PROVIDES
4 HEAT, AIR-CONDITIONING, AND VENTILATION IN LARGE BUILDINGS AND
5 COMPLEXES.

6 (D) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO PERFORM THE
7 FUNCTIONS OF AN EXAMINING ENGINEER.

8 6.5-102.

9 THE PURPOSES OF THIS TITLE ARE TO SAFEGUARD LIFE, HEALTH, AND
10 PROPERTY AND TO PROMOTE THE PUBLIC WELFARE BY REGULATING EXAMINING
11 ENGINEERS IN THE STATE.

12 SUBTITLE 2. STATE BOARD OF EXAMINING ENGINEERS.

13 6.5-201.

14 THERE IS A STATE BOARD OF EXAMINING ENGINEERS IN THE DEPARTMENT.

15 6.5-202.

16 (A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS.

17 (2) OF THE SEVEN MEMBERS OF THE BOARD:

18 (I) THREE SHALL BE EXAMINING ENGINEERS;

19 (II) ONE SHALL BE A REPRESENTATIVE FROM THE BOILER
20 MANUFACTURE AND DESIGN INDUSTRY;

21 (III) ONE SHALL BE A BOILER OWNER; AND

22 (IV) TWO SHALL BE CONSUMER MEMBERS.

23 (3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE ADVICE
24 OF THE SECRETARY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

25 (B) EACH MEMBER OF THE BOARD SHALL BE:

26 (1) A CITIZEN OF THE UNITED STATES; AND

27 (2) A RESIDENT OF THE STATE.

28 (C) EACH ENGINEER MEMBER OF THE BOARD SHALL:

29 (1) HAVE AT LEAST 10 YEARS PRACTICAL EXPERIENCE IN RUNNING
30 STEAM ENGINES, BOILERS, AND APPLIANCES PERTAINING TO STATIONARY AND
31 PORTABLE ENGINES; AND

1 (2) HOLD A STATE LICENSE AT ALL TIMES DURING THE MEMBER'S TERM
2 ON THE BOARD.

3 (D) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
4 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

5 (E) (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON JULY 1.

6 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
7 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2005.

8 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
9 SUCCESSOR IS APPOINTED AND QUALIFIES.

10 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
11 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
12 QUALIFIES.

13 (F) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
14 MISCONDUCT, NEGLECT OF DUTIES, OR OTHER SUFFICIENT CAUSE.

15 6.5-203.

16 (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIRMAN AND
17 OTHER OFFICERS AS NECESSARY.

18 (B) THE MANNER OF ELECTION AND THE TERMS OF OFFICERS SHALL BE AS
19 THE BOARD DETERMINES.

20 (C) THE CHIEF BOILER INSPECTOR, OR THE CHIEF BOILER INSPECTOR'S
21 DESIGNEE, SHALL BE AN EX OFFICIO NONVOTING MEMBER OF THE BOARD.

22 6.5-204.

23 (A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A
24 QUORUM.

25 (B) (1) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES
26 AND PLACES THAT THE BOARD DETERMINES.

27 (2) THE BOARD MAY HOLD SPECIAL MEETINGS AS PROVIDED IN ITS
28 BYLAWS.

29 (3) NOTICE OF MEETINGS OF THE BOARD SHALL BE GIVEN AS REQUIRED
30 IN ITS BYLAWS.

31 (4) THE BOARD SHALL MEET WITH AND CONSULT THE BOARD OF
32 BOILER RULES AS NECESSARY BUT NOT LESS THAN TWO TIMES EACH YEAR.

33 (C) A MEMBER OF THE BOARD:

1 (1) MAY NOT RECEIVE COMPENSATION; BUT

2 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
3 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

4 (D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
5 BUDGET.

6 6.5-205.

7 (A) THE BOARD SHALL ADOPT, BY REGULATION, A CODE OF ETHICS THAT
8 SHALL BE THE STANDARD OF CONDUCT REQUIRED BY THE BOARD FOR ALL PERSONS
9 LICENSED UNDER THE PROVISIONS OF THIS TITLE.

10 (B) THE BOARD SHALL DISTRIBUTE:

11 (1) TO EACH APPLICANT FOR A LICENSE, A COPY OF THE MARYLAND
12 EXAMINING ENGINEERS ACT AND THE BOARD'S REGULATIONS; AND

13 (2) ON EACH RENEWAL OF A LICENSE, TO EACH LICENSEE, A COPY OF
14 ANY AMENDMENTS TO THE MARYLAND EXAMINING ENGINEERS ACT AND THE
15 BOARD'S REGULATIONS THAT TOOK EFFECT DURING THE 2-YEAR PERIOD ENDING
16 ON THE DATE OF RENEWAL.

17 6.5-206.

18 (A) SUBJECT TO THE STATE BUDGET, THE BOARD MAY EMPLOY AN
19 INVESTIGATIVE STAFF TO:

20 (1) INVESTIGATE A COMPLAINT; AND

21 (2) PERFORM ANY OTHER RELATED DUTY, AS ASSIGNED BY THE BOARD.

22 (B) (1) THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A
23 WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH:

24 (I) ANY DISCIPLINARY ACTION UNDER § 6.5-314 OF THIS TITLE; OR

25 (II) ANY PROCEEDING BROUGHT FOR AN ALLEGED VIOLATION OF
26 THIS TITLE.

27 (2) A SUBPOENA SHALL BE SIGNED BY THE CHAIRMAN AND THE
28 SECRETARY OF THE BOARD AND SEALED.

29 (3) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
30 THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL
31 COMPLIANCE WITH THE SUBPOENA.

32 (C) (1) THE BOARD MAY SUE IN THE NAME OF THE STATE TO ENFORCE ANY
33 PROVISION OF THIS TITLE BY INJUNCTION.

1 (2) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE BOARD
2 IS NOT REQUIRED TO:

3 (I) POST BOND; OR

4 (II) ALLEGE OR PROVE EITHER THAT:

5 1. AN ADEQUATE REMEDY AT LAW DOES NOT EXIST; OR

6 2. SUBSTANTIAL OR IRREPARABLE DAMAGE WOULD RESULT
7 FROM THE CONTINUED VIOLATION OF THE PROVISION.

8 (3) A MEMBER OF THE BOARD MAY NOT BE HELD PERSONALLY LIABLE
9 FOR ANY ACTION TAKEN UNDER THIS SUBSECTION IN GOOD FAITH AND WITH
10 REASONABLE GROUNDS.

11 6.5-207.

12 (A) ON REQUEST OF ANY PERSON AND PAYMENT OF A FEE, THE BOARD SHALL
13 CERTIFY THE LICENSING STATUS AND QUALIFICATIONS OF ANY INDIVIDUAL WHO IS
14 THE SUBJECT OF THE REQUEST.

15 (B) EACH CERTIFICATION UNDER THIS SECTION:

16 (1) SHALL INCLUDE A STATEMENT OF THE LICENSING STATUS OF THE
17 INDIVIDUAL WHO IS THE SUBJECT OF THE REQUEST; AND

18 (2) MAY INCLUDE:

19 (I) INFORMATION ABOUT THE EXAMINATION RESULTS AND
20 OTHER QUALIFICATIONS OF THAT INDIVIDUAL;

21 (II) INFORMATION ABOUT THE DATES OF ISSUANCE AND RENEWAL
22 OF THE LICENSE OF THAT INDIVIDUAL;

23 (III) INFORMATION ABOUT ANY DISCIPLINARY ACTION TAKEN
24 AGAINST THAT INDIVIDUAL; AND

25 (IV) IF AUTHORIZED BY THAT INDIVIDUAL, INFORMATION ABOUT
26 ANY COMPLAINT AGAINST THAT INDIVIDUAL.

27 (C) THE BOARD SHALL COLLECT A FEE OF \$10 FOR EACH CERTIFICATION
28 UNDER THIS SECTION.

29 6.5-208.

30 (A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD MAY
31 ADOPT:

32 (1) ANY BYLAW FOR THE CONDUCT OF THE PROCEEDINGS OF THE
33 BOARD; AND

1 (2) ANY REGULATION TO CARRY OUT THIS TITLE.

2 (B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE BOARD SHALL:

3 (1) ADMINISTER THIS TITLE;

4 (2) KEEP A RECORD OF ITS PROCEEDINGS; AND

5 (3) KEEP A FILE ON EACH APPLICANT FOR A LICENSE.

6 6.5-209.

7 (A) THE BOARD SHALL:

8 (1) KEEP A LIST OF THE NAMES AND MAILING ADDRESSES OF ALL
9 LICENSEES; AND

10 (2) PROVIDE ANY OTHER PERSON WHO MAKES A REQUEST WITH A COPY
11 OF THE LIST AT A REASONABLE FEE SET BY THE BOARD.

12 (B) THE BOARD SHALL DISTRIBUTE:

13 (1) TO EACH APPLICANT FOR A LICENSE, A COPY OF THE MARYLAND
14 EXAMINING ENGINEERS ACT AND THE BOARD'S REGULATIONS; AND

15 (2) ON EACH RENEWAL OF A LICENSE OR CERTIFICATE, TO EACH
16 LICENSEE OR CERTIFICATE HOLDER, A COPY OF ANY AMENDMENTS TO THE
17 MARYLAND EXAMINING ENGINEERS ACT AND THE BOARD'S REGULATIONS THAT
18 TOOK EFFECT DURING THE 2-YEAR PERIOD ENDING ON THE DATE OF RENEWAL.

19 (C) A LICENSEE SHALL DESIGNATE THE LICENSEE'S MAILING ADDRESS AT
20 THE TIME OF ISSUANCE OF THE LICENSE AND ON EACH RENEWAL OF THE LICENSE.
21 6.5-210.

22 (A) (1) EXCEPT FOR THE FEES SPECIFICALLY SET BY THIS TITLE, THE
23 BOARD MAY SET THE FEES FOR WHICH THIS TITLE PROVIDES FOR THE ISSUANCE
24 AND RENEWAL OF LICENSES AND ITS OTHER SERVICES.

25 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
26 APPROXIMATE THE COST OF MAINTAINING THE BOARD AND SHALL BE BASED ON
27 THE CALCULATIONS PERFORMED BY THE SECRETARY UNDER § 2-106.2 OF THE
28 BUSINESS REGULATION ARTICLE.

29 (B) THE BOARD SHALL PUBLISH THE FEE SCHEDULE SET BY THE BOARD BY
30 REGULATION.

31 (C) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS TITLE TO
32 THE COMPTROLLER OF THE STATE.

1 (2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE STATE
2 OCCUPATIONAL AND PROFESSIONAL LICENSING DESIGN BOARD'S FUND
3 ESTABLISHED UNDER § 2-106.1 OF THE BUSINESS REGULATION ARTICLE.

4 6.5-211.

5 ANY PERSON AGGRIEVED BY ANY FINAL ACTION OF THE BOARD MAY TAKE AN
6 APPEAL AS SPECIFIED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT
7 ARTICLE.

8 6.5-212.

9 THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT TO
10 THE AUTHORITY OF THE SECRETARY.

11 SUBTITLE 3. LICENSING.

12 6.5-301.

13 (A) AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD TO PROVIDE
14 EXAMINING ENGINEER SERVICES BEFORE THE INDIVIDUAL MAY PROVIDE
15 EXAMINING ENGINEER SERVICES IN THE STATE.

16 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE BOARD HAS
17 GENERAL SUPERVISION OF ALL EXAMINING ENGINEERS WITHIN THE STATE.

18 6.5-302.

19 (A) A GRADE FIVE EXAMINING ENGINEER LICENSEE MAY OVERSEE THE
20 OPERATION OF A BOILER THAT:

21 (1) (I) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN BE
22 OPERATED AT 30 TO 99 HORSEPOWER; AND

23 (II) IS LOCATED IN A BUILDING OPEN FOR PUBLIC USE;

24 (2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAW AND
25 REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

26 (3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
27 SYSTEM AND AUTOMATIC CONTROLS, IS VISITED BY A GRADE FIVE LICENSEE AT
28 LEAST ONCE EVERY 24 HOURS THAT THE BOILER IS IN OPERATION; AND

29 (4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
30 SYSTEM AND AUTOMATIC CONTROLS, IS VISITED BY A GRADE FIVE LICENSEE AT
31 LEAST ONCE PER WEEK THAT THE BOILER IS IN OPERATION IF THE LICENSEE:

32 (I) IS RESPONSIBLE FOR THE SAFE OPERATION OF THE
33 EQUIPMENT AT ALL TIMES;

1 (II) IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR
2 DEVICES AND MAKE THE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24
3 HOURS; AND

4 (III) MAINTAINS A DAILY INSPECTION LOG.

5 (B) A GRADE FOUR EXAMINING ENGINEER LICENSEE MAY OVERSEE THE
6 OPERATION OF A BOILER THAT:

7 (1) (I) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN
8 OPERATE AT 30 TO 99 HORSEPOWER; AND

9 (II) IS LOCATED IN A BUILDING OPEN FOR PUBLIC USE;

10 (2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAW AND
11 REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

12 (3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
13 SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE FOUR LICENSEE AS
14 FOLLOWS:

15 (I) AT ALL TIMES THAT THE BOILER IS IN OPERATION; OR

16 (II) IF LOCATED IN A SCHOOL:

17 1. AT ALL TIMES DURING REGULAR SCHOOL HOURS; AND

18 2. ONLY WHEN AT LEAST 150 STUDENTS, FACULTY, OR
19 MEMBERS OF THE PUBLIC OCCUPY THE BUILDING WHERE THE BOILER IS LOCATED
20 DURING NONREGULAR SCHOOL HOURS;

21 (4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
22 SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE FOUR LICENSEE AS
23 FOLLOWS:

24 (I) IF LOCATED IN A HOSPITAL, HOTEL, RESIDENTIAL FACILITY, OR
25 OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT LEAST ONCE
26 EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE IF THE LICENSEE:

27 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
28 EQUIPMENT AT ALL TIMES;

29 2. IS AVAILABLE TO OBSERVE THE MONITORING
30 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
31 EVERY 24 HOURS; AND

32 3. MAINTAINS A DAILY INSPECTION LOG; AND

33 (II) IF LOCATED IN A SCHOOL, IS VISITED AT LEAST ONCE EVERY 8
34 HOURS:

- 1 1. DURING REGULAR SCHOOL HOURS; AND
- 2 2. DURING NONREGULAR SCHOOL HOURS WHEN THE
- 3 SCHOOL BUILDING IN WHICH THE BOILER IS LOCATED IS OCCUPIED BY AT LEAST 150
- 4 STUDENTS, FACULTY, OR MEMBERS OF THE PUBLIC, IF THE LICENSEE:
- 5 A. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
- 6 EQUIPMENT AT ALL TIMES;
- 7 B. IS AVAILABLE TO OBSERVE THE MONITORING
- 8 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
- 9 EVERY 24 HOURS; AND
- 10 C. MAINTAINS A DAILY INSPECTION LOG.

11 (C) A GRADE THREE EXAMINING ENGINEER LICENSEE MAY OVERSEE THE
12 OPERATION OF A BOILER THAT:

13 (1) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN OPERATE
14 AT 100 TO 299 HORSEPOWER;

15 (2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAW AND
16 REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

17 (3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
18 SYSTEM AND AUTOMATIC CONTROLS, HAS A GRADE THREE LICENSEE IN
19 ATTENDANCE AT ALL TIMES THAT THE BOILER IS IN OPERATION; AND

20 (4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
21 SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE THREE LICENSEE AS
22 FOLLOWS:

23 (I) IF NOT LOCATED IN A BUILDING OPEN FOR PUBLIC USE, DOES
24 NOT REQUIRE REGULAR FULL-TIME ATTENDANCE OR SCHEDULED VISITATION, IF
25 THE LICENSEE:

26 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
27 EQUIPMENT AT ALL TIMES;

28 2. IS AVAILABLE TO OBSERVE THE MONITORING
29 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
30 EVERY 24 HOURS; AND

31 3. MAINTAINS A DAILY INSPECTION LOG; AND

32 (II) IF LOCATED IN A SCHOOL, HOSPITAL, HOTEL, RESIDENTIAL
33 FACILITY, OR OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT
34 LEAST ONCE EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE IF THE
35 LICENSEE:

1 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
2 EQUIPMENT AT ALL TIMES;

3 2. IS AVAILABLE TO OBSERVE THE MONITORING
4 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
5 EVERY 24 HOURS; AND

6 3. MAINTAINS A DAILY INSPECTION LOG.

7 (D) A GRADE TWO EXAMINING ENGINEER LICENSEE MAY OVERSEE THE
8 OPERATION OF A BOILER THAT:

9 (1) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN OPERATE
10 AT 300 TO 499 HORSEPOWER;

11 (2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAW AND
12 REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

13 (3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
14 SYSTEM AND AUTOMATIC CONTROLS, HAS A GRADE TWO LICENSEE IN ATTENDANCE
15 AT ALL TIMES THAT THE BOILER IS IN OPERATION; AND

16 (4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
17 SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE TWO LICENSEE AS
18 FOLLOWS:

19 (I) IF NOT LOCATED IN A BUILDING OPEN FOR PUBLIC USE, DOES
20 NOT REQUIRE REGULAR FULL-TIME ATTENDANCE OR SCHEDULED VISITATION, IF
21 THE LICENSEE:

22 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
23 EQUIPMENT AT ALL TIMES;

24 2. IS AVAILABLE TO OBSERVE THE MONITORING
25 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
26 EVERY 24 HOURS; AND

27 3. MAINTAINS A DAILY INSPECTION LOG; AND

28 (II) IF LOCATED IN A SCHOOL, HOSPITAL, HOTEL, RESIDENTIAL
29 FACILITY, OR OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT
30 LEAST ONCE EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE, IF THE
31 LICENSEE:

32 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
33 EQUIPMENT AT ALL TIMES;

34 2. IS AVAILABLE TO OBSERVE THE MONITORING
35 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
36 EVERY 24 HOURS; AND

1 (C) THE APPLICANT SHALL MEET THE EDUCATIONAL AND EXPERIENCE
2 REQUIREMENTS AND SHALL PASS AN EXAMINATION AS REQUIRED UNDER § 6.5-306
3 OF THIS SUBTITLE.

4 6.5-304.

5 (A) IN ADDITION TO THE OTHER QUALIFICATIONS FOR A LICENSE SET FORTH
6 IN THIS SUBTITLE, AN APPLICANT SHALL QUALIFY UNDER THIS SECTION BY
7 MEETING THE EDUCATIONAL AND EXPERIENCE REQUIREMENTS SET FORTH IN
8 SUBSECTION (B) OF THIS SECTION.

9 (B) (1) AN APPLICANT FOR THE GRADE ONE EXAMINING ENGINEER'S
10 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
11 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

12 (I) 5 YEARS OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE
13 TWO EXAMINING ENGINEER UNDER THE DIRECTION AND CONTROL OF A GRADE ONE
14 EXAMINING ENGINEER THAT INCLUDES:

15 1. 1 YEAR OF CREDIT MAY BE RECEIVED FOR SIX CREDIT
16 HOURS OF CLASSES OR CONTINUING EDUCATION UNITS IN BOILER SAFETY OR
17 OPERATIONS; AND

18 2. 1 YEAR OF CREDIT MAY BE RECEIVED FOR HOLDING A
19 CURRENT ACTIVE LICENSE AS A MASTER PLUMBER OR A FULL MASTER HEATING,
20 VENTILATION, AND AIR-CONDITIONING CONTRACTOR;

21 (II) A 4-YEAR DEGREE IN MECHANICAL ENGINEERING FROM AN
22 ACCREDITED UNIVERSITY OR COLLEGE;

23 (III) LICENSURE AS A PROFESSIONAL ENGINEER INCLUDING:

24 1. 1 YEAR OF DOCUMENTED EXPERIENCE AS A
25 PROFESSIONAL ENGINEER; AND

26 2. 1 YEAR OF DOCUMENTED EXPERIENCE AS A GRADE TWO
27 EXAMINING ENGINEER UNDER THE DIRECTION AND CONTROL OF A GRADE ONE
28 EXAMINING ENGINEER; OR

29 (IV) A VALID MARINE ENGINEER'S CERTIFICATE OR A CHIEF PETTY
30 OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY WITH STEAM BOILER
31 ENGINEER TRAINING.

32 (2) AN APPLICANT FOR A GRADE TWO EXAMINING ENGINEER'S
33 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
34 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

35 (I) 36 MONTHS OF DOCUMENTED EXPERIENCE AS AN ACTIVE
36 GRADE THREE ENGINEER UNDER THE DIRECTION AND CONTROL OF A LICENSED
37 GRADE TWO OR GRADE ONE EXAMINING ENGINEER, THAT MAY INCLUDE:

1 1. 1 YEAR OF CREDIT MAY BE RECEIVED FOR SIX CREDIT
2 HOURS OF CLASSES OR CONTINUING EDUCATION UNITS IN BOILER SAFETY OR
3 OPERATIONS; AND

4 2. 1 YEAR OF CREDIT MAY BE RECEIVED FOR HOLDING A
5 CURRENT ACTIVE LICENSE AS A MASTER PLUMBER OR A FULL MASTER HEATING,
6 VENTILATION, AND AIR-CONDITIONING CONTRACTOR;

7 (II) A 4-YEAR DEGREE IN MECHANICAL ENGINEERING FROM AN
8 ACCREDITED UNIVERSITY OR COLLEGE;

9 (III) LICENSURE AS A PROFESSIONAL ENGINEER AND 6 MONTHS OF
10 DOCUMENTED EXPERIENCE AS A GRADE THREE, FOUR, OR FIVE EXAMINING
11 ENGINEER; OR

12 (IV) A VALID MARINE ENGINEER'S CERTIFICATE OR CHIEF PETTY
13 OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY.

14 (3) AN APPLICANT FOR A GRADE THREE EXAMINING ENGINEER'S
15 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
16 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

17 (I) 2 YEARS OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE
18 FOUR OR GRADE FIVE EXAMINING ENGINEER;

19 (II) 1 YEAR OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE
20 FOUR OR GRADE FIVE ENGINEER AND SIX CREDIT HOURS OR CONTINUING
21 EDUCATION UNITS OF CLASSES IN BOILER OPERATIONS OR SAFETY; OR

22 (III) A VALID MARINE ENGINEER'S CERTIFICATE OR CHIEF PETTY
23 OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY.

24 (4) AN APPLICANT FOR A GRADE FOUR EXAMINING ENGINEER'S
25 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
26 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

27 (I) 6 MONTHS OF DOCUMENTED EXPERIENCE AS AN ACTIVE
28 GRADE FIVE EXAMINING ENGINEER; OR

29 (II) THREE CREDIT HOURS OR CONTINUING EDUCATION UNITS OF
30 CLASSES IN BOILER OPERATIONS OR SAFETY.

31 (5) AN APPLICANT FOR A GRADE FIVE EXAMINING ENGINEER'S
32 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES A
33 HIGH SCHOOL DIPLOMA OR GRADUATE EQUIVALENCE DIPLOMA.

34 6.5-305.

35 (A) AN APPLICANT FOR A LICENSE SHALL:

36 (1) SUBMIT TO THE BOARD:

1 (I) AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES;
2 AND

3 (II) ANY RELEVANT DOCUMENT THAT THE BOARD REQUIRES; AND

4 (2) PAY TO THE BOARD OR THE BOARD'S DESIGNEE AN EXAMINATION
5 FEE SET BY THE BOARD IN AN AMOUNT NOT TO EXCEED THE COST OF THE
6 REQUIRED EXAMINATIONS.

7 (B) AN APPLICATION SHALL BE MADE UNDER OATH.

8 (C) IF THE BOARD FINDS THAT AN APPLICATION FORM AND THE
9 ACCOMPANYING DOCUMENTATION DO NOT DEMONSTRATE THAT THE APPLICANT
10 MEETS THE REQUIREMENTS FOR A LICENSE UNDER THIS SUBTITLE, THE BOARD
11 MAY REQUIRE THE APPLICANT TO SUBMIT ADDITIONAL INFORMATION OR
12 DOCUMENTATION.

13 6.5-306.

14 (A) THE BOARD SHALL EXAMINE ALL ENGINEERS WHO ARE AT LEAST 18
15 YEARS OLD AND WHO APPLY AND QUALIFY FOR EXAMINATION.

16 (B) THE BOARD PERIODICALLY SHALL GIVE THE EXAMINATIONS REQUIRED
17 UNDER THIS SUBTITLE TO QUALIFIED APPLICANTS AT THE TIMES AND PLACES THAT
18 THE BOARD DETERMINES.

19 (C) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF THE
20 TIME AND PLACE OF EXAMINATION.

21 (D) THE BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, AND FORM OF AND
22 METHOD OF GRADING AND PASSING SCORES FOR EXAMINATIONS GIVEN UNDER
23 THIS SUBTITLE.

24 6.5-307.

25 (A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE
26 EXAMINATIONS REQUIRED UNDER THIS SUBTITLE.

27 (B) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT
28 TO THE REQUIREMENTS SET BY THE BOARD, MAY:

29 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

30 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF
31 EXAMINATIONS;

32 (3) CHARGE AN EXAMINATION FEE NOT TO EXCEED THE COST OF
33 ADMINISTERING THE EXAMINATION; AND

34 (4) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY
35 REQUIRE THE TESTING SERVICE TO PROVIDE.

1 6.5-308.

2 (A) (1) IF AN APPLICANT FAILS AN EXAMINATION GIVEN UNDER THIS
3 SUBTITLE, THE BOARD SHALL MAIL NOTICE OF THE FAILURE TO THE APPLICANT.

4 (2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE MAILED
5 TO THE ADDRESS THAT THE APPLICANT LAST GAVE TO THE BOARD.

6 (B) (1) THE BOARD SHALL CONFIRM THE TEST SCORE OF ANY APPLICANT
7 WHO FAILS AN EXAMINATION GIVEN UNDER THIS SUBTITLE IF THE APPLICANT:

8 (I) SUBMITS A WRITTEN REQUEST TO THE BOARD IN ACCORDANCE
9 WITH ITS REGULATIONS; AND

10 (II) PAYS TO THE BOARD THE FEE SET BY THE BOARD.

11 (2) THE BOARD SHALL ADOPT REGULATIONS THAT SET PROCEDURES
12 FOR CONFIRMATION OF TEST SCORES UNDER THIS SUBSECTION.

13 (C) SUBJECT TO THIS SECTION, IF AN APPLICANT FAILS AN EXAMINATION
14 GIVEN UNDER THIS SUBTITLE, THE APPLICANT MAY RETAKE THE EXAMINATION.

15 6.5-309.

16 (A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE, THE
17 BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES THAT:

18 (1) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

19 (2) ON RECEIPT OF A REASONABLE LICENSE FEE SET BY THE BOARD,
20 THE BOARD SHALL ISSUE A LICENSE TO THE APPLICANT.

21 (B) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A LICENSE
22 TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

23 (C) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES:

24 (1) THE FULL NAME OF THE LICENSEE; AND

25 (2) THE REGISTRATION NUMBER ASSIGNED BY THE BOARD TO THE
26 LICENSEE.

27 (D) SUBJECT TO ANY REGULATION THAT THE BOARD ADOPTS, IT SHALL
28 REPLACE ANY LOST, MUTILATED, OR DESTROYED LICENSE CERTIFICATE ON:

29 (1) REQUEST OF THE LICENSEE; AND

30 (2) PAYMENT OF THE REPLACEMENT FEE SET BY THE BOARD, NOT
31 EXCEEDING \$30.

1 6.5-310.

2 (A) WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO
3 PERFORM THE FUNCTIONS OF AN EXAMINING ENGINEER.

4 (B) EACH LICENSEE SHALL DISPLAY THE EXAMINING ENGINEER LICENSE,
5 INCLUDING A PHOTOGRAPH OF THE LICENSEE, CONSPICUOUSLY IN THE LICENSEE'S
6 PRINCIPAL PLACE OF BUSINESS.

7 6.5-311.

8 TO QUALIFY FOR RENEWAL OF A LICENSE UNDER THIS SUBTITLE, A LICENSEE
9 SHALL PROVIDE TO THE BOARD ADEQUATE EVIDENCE THAT THE LICENSEE MEETS
10 THE MINIMUM CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE
11 BOARD.

12 6.5-312.

13 (A) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION AND UNLESS A
14 LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION, THE
15 LICENSE EXPIRES EVERY OTHER YEAR ON THE ANNIVERSARY OF THE DATE OF
16 ISSUANCE OF THE LICENSE.

17 (B) (1) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL
18 MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

19 (I) A RENEWAL APPLICATION FORM; AND

20 (II) A NOTICE THAT STATES:

21 1. THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

22 2. THE DATE BY WHICH THE BOARD MUST RECEIVE THE
23 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
24 LICENSE EXPIRES; AND

25 3. THE AMOUNT OF THE RENEWAL FEE.

26 (2) THE FAILURE OF A LICENSEE TO RECEIVE THE NOTICE FOR WHICH
27 THIS SUBSECTION PROVIDES DOES NOT PREVENT THE LICENSE FROM EXPIRING AS
28 SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION.

29 (C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW
30 IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

31 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

32 (2) PAYS TO THE BOARD A REASONABLE RENEWAL FEE SET BY THE
33 BOARD; AND

1 (3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
2 THAT THE BOARD PROVIDES.

3 (D) (1) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL
4 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS
5 SECTION.

6 (2) THE BOARD SHALL INCLUDE ON EACH RENEWAL CERTIFICATE THAT
7 THE BOARD ISSUES:

8 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES; AND

9 (II) THE SIGNATURES OF THE CHAIRMAN AND SECRETARY OF THE
10 BOARD.

11 (E) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS
12 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

13 6.5-313.

14 (A) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO,
15 FOR ANY REASON, HAS FAILED TO RENEW THE LICENSE IF THE INDIVIDUAL:

16 (1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 2 YEARS
17 AFTER THE LICENSE EXPIRES;

18 (2) MEETS THE RENEWAL REQUIREMENTS OF § 6.5-312 OF THIS
19 SUBTITLE AND PAYS TO THE BOARD ALL PAST-DUE RENEWAL FEES; AND

20 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS
21 SECTION, PAYS TO THE BOARD A REINSTATEMENT FEE OF \$100, IN ADDITION TO ALL
22 PAST-DUE RENEWAL FEES.

23 (B) (1) IF AN INDIVIDUAL HAS FAILED TO RENEW A LICENSE FOR ANY
24 REASON AND THEN APPLIES TO THE BOARD FOR REINSTATEMENT MORE THAN 2
25 YEARS AFTER THE LICENSE HAS EXPIRED, THE BOARD MAY:

26 (I) REQUIRE THE INDIVIDUAL TO REAPPLY FOR A LICENSE IN THE
27 SAME MANNER AS AN APPLICANT APPLIES FOR AN ORIGINAL LICENSE UNDER THIS
28 SUBTITLE; OR

29 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REINSTATE
30 THE LICENSE.

31 (2) THE BOARD MAY REINSTATE A LICENSE UNDER PARAGRAPH (1)(II)
32 OF THIS SUBSECTION ONLY IF THE INDIVIDUAL:

33 (I) MEETS THE RENEWAL REQUIREMENTS OF § 6.5-312 OF THIS
34 SUBTITLE AND PAYS TO THE BOARD ALL PAST-DUE RENEWAL FEES;

1 (II) IF REQUIRED BY THE BOARD, STATES REASONS WHY
2 REINSTATEMENT SHOULD BE GRANTED; AND

3 (III) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS
4 SECTION, PAYS TO THE BOARD A REINSTATEMENT FEE OF \$100, IN ADDITION TO ALL
5 PAST-DUE RENEWAL FEES.

6 (C) THE BOARD MAY WAIVE A REINSTATEMENT FEE FOR A LICENSEE WHO
7 PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT THE LICENSEE DID NOT
8 OPERATE, MAINTAIN, OR REPAIR MACHINERY AS A EXAMINING ENGINEER DURING
9 THE TIME THE LICENSE LAPSED.

10 6.5-314.

11 (A) (1) SUBJECT TO THE HEARING PROVISIONS OF § 6.5-316 OF THIS
12 SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS
13 THEN SERVING, MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY
14 LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF:

15 (I) THE APPLICANT OR LICENSEE FRAUDULENTLY OR
16 DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR
17 LICENSEE OR FOR ANOTHER;

18 (II) THE APPLICANT OR LICENSEE FRAUDULENTLY OR
19 DECEPTIVELY USES A LICENSE;

20 (III) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
21 THE APPLICANT OR LICENSEE IS CONVICTED OF:

22 1. A FELONY; OR

23 2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE
24 FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE
25 ENGINEERING;

26 (IV) THE APPLICANT OR LICENSEE IS GUILTY OF GROSS
27 NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT WHILE IN CHARGE OF AN ENGINE
28 OR BOILER;

29 (V) THE APPLICANT OR LICENSEE KNOWINGLY VIOLATES ANY
30 PROVISION OF THE CODE OF ETHICS ADOPTED BY THE BOARD;

31 (VI) THE APPLICANT WAS UNDER THE INFLUENCE OF DRUGS OR
32 ALCOHOL WHILE OPERATING AN ENGINE, BOILER, OR OTHER TYPE OF POWER
33 EQUIPMENT; OR

34 (VII) THE APPLICANT OR LICENSEE KNOWINGLY VIOLATES ANY
35 PROVISION OF THIS TITLE.

1 (2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE
2 OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD
3 MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

4 (II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED
5 UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

- 6 1. THE SERIOUSNESS OF THE VIOLATION;
- 7 2. THE HARM CAUSED BY THE VIOLATION;
- 8 3. THE GOOD FAITH OF THE LICENSEE; AND
- 9 4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE
10 LICENSEE.

11 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
12 SUBSECTION INTO THE GENERAL FUND OF THE STATE.

13 (B) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING,
14 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE
15 REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A
16 FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(1)(III) OF THIS SECTION:

- 17 (1) THE NATURE OF THE CRIME;
- 18 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
19 BY THE LICENSE;
- 20 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
21 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
22 PRACTICE ENGINEERING;
- 23 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND
- 24 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
25 BEFORE AND AFTER THE CONVICTION.

26 6.5-315.

27 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL
28 COMMENCE PROCEEDINGS UNDER § 6.5-314 OF THIS SUBTITLE ON A COMPLAINT
29 MADE TO THE BOARD BY A MEMBER OR ANY OTHER PERSON.

30 (B) (1) A COMPLAINT SHALL:

31 (I) BE IN WRITING;

32 (II) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT
33 IS BASED; AND

1 (III) BE SUBMITTED TO THE SECRETARY OF THE BOARD.

2 (2) IF THE COMPLAINT IS MADE BY ANY PERSON OTHER THAN A
3 MEMBER OF THE BOARD, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE
4 PERSON WHO SUBMITS THE COMPLAINT.

5 (C) (1) IF THE BOARD FINDS THAT A COMPLAINT ALLEGES FACTS THAT ARE
6 ADEQUATE GROUNDS FOR ACTION UNDER § 6.5-314 OF THIS SUBTITLE, THE BOARD
7 SHALL ACT ON THE COMPLAINT AS PROVIDED UNDER § 6.5-316 OF THIS SUBTITLE.

8 (2) IF THE BOARD DOES NOT MAKE THAT FINDING, IT SHALL DISMISS
9 THE COMPLAINT.

10 6.5-316.

11 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
12 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §
13 6.5-314 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE
14 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

15 (2) A HEARING SHALL BE SET WITHIN A REASONABLE TIME, NOT
16 EXCEEDING 6 MONTHS, AFTER THE BOARD BRINGS CHARGES AGAINST A LICENSEE.

17 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
18 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

19 (C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY
20 PROCEEDING UNDER THIS SECTION.

21 (D) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE AND A
22 COPY OF THE COMPLAINT SHALL BE:

23 (1) SERVED PERSONALLY ON THE INDIVIDUAL; OR

24 (2) MAILED TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL.

25 (E) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

26 (F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
27 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
28 DETERMINE THE MATTER.

29 6.5-317.

30 (A) SUBJECT TO ANY REGULATION THAT THE BOARD ADOPTS, IT MAY
31 REINSTATE A LICENSE THAT HAS BEEN REVOKED.

32 (B) A LICENSE MAY BE REINSTATED UNDER THIS SECTION ONLY ON:

33 (1) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE
34 BOARD THEN SERVING; AND

1 (2) PAYMENT TO THE BOARD OF A REINSTATEMENT FEE OF \$100.

2 SUBTITLE 4. PROHIBITED ACTS; DISCIPLINARY ACTIONS; PENALTIES.

3 6.5-401.

4 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
5 PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PERFORM THE FUNCTIONS OF AN
6 EXAMINING ENGINEER IN THE STATE UNLESS LICENSED BY THE BOARD.

7 6.5-402.

8 A PERSON MAY NOT:

9 (1) USE OR ATTEMPT TO USE THE LICENSE OF ANOTHER INDIVIDUAL;
10 OR

11 (2) IMPERSONATE ANOTHER INDIVIDUAL WHO HOLDS A LICENSE.

12 6.5-403.

13 A PERSON MAY NOT GIVE FALSE INFORMATION TO THE BOARD IN AN ATTEMPT
14 TO OBTAIN A LICENSE.

15 6.5-404.

16 EXCEPT AS OTHERWISE PROVIDED UNDER THIS SECTION, AN INDIVIDUAL
17 WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED UNDER § 6.5-313 OF THIS TITLE
18 MAY NOT PERFORM THE FUNCTIONS OF A STATIONARY ENGINEER IN ANY MANNER.

19 6.5-405.

20 AN INDIVIDUAL WHO IS AUTHORIZED TO PERFORM THE FUNCTIONS OF AN
21 EXAMINING ENGINEER MAY NOT PRACTICE OR OFFER TO PRACTICE ENGINEERING
22 IN THOSE AREAS OF ENGINEERING IN WHICH THE INDIVIDUAL IS NOT COMPETENT
23 TO PRACTICE.

24 6.5-406.

25 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR
27 IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

28 (B) (1) THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY
29 PROVISION OF THIS TITLE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

30 (2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL
31 CONSIDER:

32 (I) THE SERIOUSNESS OF THE VIOLATION;

- 1 (II) THE HARM CAUSED BY THE VIOLATION;
2 (III) THE GOOD FAITH OF THE VIOLATOR;
3 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;
4 AND
5 (V) ANY OTHER RELEVANT FACTORS.

6 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
7 SUBSECTION INTO THE GENERAL FUND OF THE STATE.

8 SUBTITLE 5. SHORT TITLE.

9 6.5-501.

10 THIS TITLE MAY BE CITED AS THE "MARYLAND EXAMINING ENGINEERS ACT".

11 6.5-502.

12 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
13 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
14 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY
15 1, 2014.

16 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
17 read as follows:

18 **Article - Business Occupations and Professions**

19 [6.5-210.

20 (a) (1) Except for the fees specifically set by this title, the Board may set the
21 fees for which this title provides for the issuance and renewal of licenses and its other
22 services.

23 (2) The fees charged shall be set so as to produce funds to approximate
24 the cost of maintaining the Board and shall be based on the calculations performed by
25 the Secretary under § 2-106.2 of the Business Regulation Article.

26 (b) The Board shall publish the fee schedule set by the Board by regulation.

27 (c) (1) The Board shall pay all fees collected under this title to the
28 Comptroller of the State.

29 (2) The Comptroller shall distribute the fees to the State Occupational
30 and Professional Licensing Design Board's Fund established under § 2-106.1 of the
31 Business Regulation Article.]

1 6.5-210.

2 (A) EXCEPT FOR THE FEES SPECIFICALLY SET BY THIS TITLE, THE BOARD
3 MAY SET THE FEES FOR WHICH THIS TITLE PROVIDES FOR THE ISSUANCE AND
4 RENEWAL OF LICENSES AND ITS OTHER SERVICES.

5 (B) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE BOARD SHALL PAY ALL
6 MONEY COLLECTED UNDER THIS TITLE INTO THE GENERAL FUND OF THE STATE.

7 **Article - Business Regulation**

8 2-106.1.

9 (a) This section applies to the following occupational and professional
10 licensing boards:

11 (1) the State Board of Architects established under Title 3 of the
12 Business Occupations and Professions Article;

13 (2) the State Board of Certified Interior Designers established under
14 Title 8 of the Business Occupations and Professions Article;

15 (3) the State Board of Examiners of Landscape Architects established
16 under Title 9 of the Business Occupations and Professions Article;

17 (4) THE STATE BOARD OF EXAMINING ENGINEERS ESTABLISHED UNDER
18 TITLE 6.5 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

19 [(4)] (5) the State Board for Professional Engineers established under
20 Title 14 of the Business Occupations and Professions Article; and

21 [(5)] (6) the State Board for Professional Land Surveyors established
22 under Title 15 of the Business Occupations and Professions Article.

23 (b) There is a State Occupational and Professional Licensing Design Boards'
24 Fund in the Department, which shall be a continuing, nonlapsing special fund.

25 (c) (1) Except as otherwise provided by law, each occupational and
26 professional licensing board described in subsection (a) of this section shall pay all
27 fees collected to the Comptroller of the State.

28 (2) The Comptroller shall distribute the fees to the fund.

29 (d) The fund shall be used to cover the actual documented direct and indirect
30 costs of fulfilling the statutory and regulatory duties of each occupational and
31 professional licensing board described in subsection (a) of this section.

32 (e) The Secretary or a designee of the Secretary shall administer the fund.

33 (f) The Legislative Auditor shall audit the accounts and transactions of the
34 fund as provided in § 2-1220 of the State Government Article.

1 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 4-1 through
2 4-8, inclusive, and the subtitle "Subtitle 4. Examining Engineers" of Article 4 -
3 Baltimore City of the Code of Public Local Laws of Maryland (as enacted by Chapter
4 316 of the Acts of the General Assembly of 2002 and Section 1 of this Act) be repealed.

5 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the initial
6 members of the State Board of Examining Engineers shall expire as follows:

- 7 (1) two members in 2006;
- 8 (2) two members in 2007; and
- 9 (3) three members in 2008.

10 SECTION 6. AND BE IT FURTHER ENACTED, That, on October 1, 2005, all
11 the functions, powers, duties, equipment, assets, liabilities, records, and employees of
12 the Board of Examining Engineers shall be transferred to the State Board of
13 Examining Engineers.

14 SECTION 7. AND BE IT FURTHER ENACTED, That an individual who holds
15 a license issued by the Board of Examining Engineers on October 1, 2005, may qualify
16 for the same grade license issued by the State Board of Examining Engineers without
17 meeting the education, experience, and examination requirements of Title 6.5,
18 Subtitle 3 of the Business Occupations and Professions Article, as enacted by this Act,
19 if the individual qualifies for the license before the expiration of the individual's
20 license.

21 SECTION 8. AND BE IT FURTHER ENACTED, That an individual who holds
22 a license issued by the Board of Examining Engineers on October 1, 2005, in all
23 respects, shall be considered licensed by the State Board of Examining Engineers
24 and, subject to the provisions of this Act, for the remainder of the term of the
25 individual's license. On expiration of the individual's license, the individual may
26 qualify for renewal of a license under § 6.5-312 of the Business Occupations and
27 Professions Article, as enacted by this Act, as if the individual has held a license
28 issued by the Board of Examining Engineers.

29 SECTION 9. AND BE IT FURTHER ENACTED, That, if an individual holds a
30 license issued by the Board of Examining Engineers after October 1, 2005, and the
31 individual fails to timely renew the license, the individual may qualify for
32 reinstatement of the license under § 6.5-313 of the Business Occupations and
33 Professions Article, as enacted by this Act, as if the individual had held a license
34 issued by the State Board of Examining Engineers.

35 SECTION 10. AND BE IT FURTHER ENACTED, That an individual who has
36 completed or partially completed any education, experience, or examination
37 requirements for a license to be issued by the Board of Examining Engineers prior to
38 October 1, 2005, shall be considered to have completed or partially completed the
39 same requirement for a license issued by the State Board of Examining Engineers.

1 SECTION 11. AND BE IT FURTHER ENACTED, That the State Board of
2 Examining Engineers shall report to the Senate Education, Health, and
3 Environmental Affairs Committee and the House Economic Matters Committee on or
4 before December 31, 2006, in accordance with § 2-1246 of the State Government
5 Article, assessing the appropriateness of the fees charged to licensees and the ability
6 of the Board to be self-sufficient given the greater workload.

7 SECTION 12. AND BE IT FURTHER ENACTED, That § 6.5-210 of the
8 Business Occupations and Professions Article as enacted by Section 3 of this Act shall
9 take effect October 1, 2008.

10 SECTION 13. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of
11 this Act shall take effect October 1, 2005.

12 SECTION 14. AND BE IT FURTHER ENACTED, That, except as provided in
13 Sections 12 and 13 of this Act, this Act shall take effect July 1, 2004.